

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

JUSTIN W. JENKINS,

Plaintiff,

v.

CORTEVA, INC.; SYNGENTA CROP
PROTECTION AG; SYNGENTA CORP.;
SYNGENTA CROP PROTECTION, LLC.;
CHS, INC.; JOHN DOE DEFENDANT
WHOLESALEERS 1-5; AND JOHN DOE
DEFENDANT RETAILERS 6-10,

Defendants.

Case No. 1:22-cv-01976-RLY-DLP

**RELATED PLAINTIFFS' NOTICE OF FILING OF MOTION
BEFORE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
TO TRANSFER RELATED CASES FOR COORDINATED OR
CONSOLIDATED PRETRIAL PROCEEDINGS**

Come now Related Plaintiffs Bradley Day Farms, Chuck Day Farms, Danny Day, Jr. Farms, Danny Day, Jr. & Son Farm Partnership, Shelby Farms, LLC, Hanna Farms, LLC, Choctaw Farms, LLC, G&P Farms Partnership, M and M Farms Partnership, Brick Farms, Inc., Scott Day Farms, and HYS Farms, LLC (the "Related Plaintiffs"), by counsel, and respectfully submit notice to the Court of their filing of a motion (the "MDL Motion") before the Judicial Panel on Multidistrict Litigation ("JPML") under 28 U.S.C. §1407 to consolidate this and nine related cases in the Southern District of Indiana before this Court for coordinated or consolidated pretrial proceedings. The Related Plaintiffs have filed seven private antitrust class action cases in this District alleging the Defendants, and certain additional defendant parties, created and implemented crop protection loyalty programs with major U.S. distributors and retailers to artificially maintain monopolies in a variety of crop protection products by excluding generic

competition from the market.¹ A copy of the MDL Motion, MDL Docket No. 3062, supporting brief and Schedule of Actions, are submitted herewith as Exhibits A, B and C.

Related Plaintiffs submit this notice in light of the Defendants' Joint Motion to Transfer to Middle District of North Carolina Pursuant to 28 U.S.C. § 1404(a) (ECF No. 27), and respectfully suggest that a ruling on the Motion to Transfer should be deferred pending a resolution of or decision by the JPML in response to the Related Plaintiffs' MDL Motion.

DATED: November 28, 2022

Respectfully submitted,

/s/ Scott D. Gilchrist
Irwin B. Levin (#8786-49)
Richard E. Shevitz (#12007-49)
Scott D. Gilchrist (#16720-53)
COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
Telephone: (317) 636-6481
Fax: (317) 636 2593
ilevin@cohenandmalad.com
rshevitz@cohenandmalad.com
sgilchrist@cohenandmalad.com

¹ *Bradley Day Farms v. Syngenta Crop Protection, et al.*; *Corteva, Inc.*; *BASF SE, et al.*; *Agricultural Products Group*; *Nutrien AG Solutions, Inc.*; *Helena Agri-Enterprises, LLC*; and *Doe Co-Conspirator Distributors and Retailers I-200*, Case No. 1:22-cv-02223-JMS-MG; *Chuck Day Farms v. Syngenta Crop Protection, et al.*; *Corteva, Inc.*; *BASF SE, et al.*; *Agricultural Products Group*; *Nutrien AG Solutions, Inc.*; *Helena Agri-Enterprises, LLC*; and *Doe Co-Conspirator Distributors and Retailers I-200*, Case No. 1:22-cv-02222-JMS-MG; *Danny Day, Jr. Farms, and Danny Day, Jr. & Son Farm Partnership v. Syngenta Crop Protection, et al.*; *Corteva, Inc.*; *BASF SE, et al.*; *Agricultural Products Group*; *Nutrien AG Solutions, Inc.*; *Helena Agri-Enterprises, LLC*, Case No. 1:22-cv-02225-JMS-MJD; *Shelby Farms, LLC, Hanna Farms, LLC, Choctaw Farms, LLC and G&P Farms Partnership v. Syngenta Crop Protection, et al.*; *Corteva, Inc.*; *BASF SE, et al.*; *Agricultural Products Group*; *Nutrien AG Solutions, Inc.*; *Helena Agri-Enterprises, LLC*; and *Doe Co-Conspirator Distributors and Retailers I-200*, Case No. 1:22-cv-02226-JPH-MJD; *M and M Farms Partnership and Brick Farms, Inc. v. Syngenta Crop Protection, et al.*; *Corteva, Inc.*; *BASF SE, et al.*; *Agricultural Products Group*; *Nutrien AG Solutions, Inc.*; *Helena Agri-Enterprises, LLC*; and *Doe Co-Conspirator Distributors and Retailers I-200*, Case No. 1:22-cv-02227-JMS-TAB; *Scott Day Farms v. Syngenta Crop Protection, et al.*; *Corteva, Inc.*; *BASF SE, et al.*; *Agricultural Products Group*; *Nutrien AG Solutions, Inc.*; *Helena Agri-Enterprises, LLC*; and *Doe Co-Conspirator Distributors and Retailers I-200*, Case No. 1:22-cv-02230-JMS-TAB; and *HYS Farms, LLC v. Syngenta Crop Protection, et al.*; *Corteva, Inc.*; *BASF SE, et al.*; *Agricultural Products Group*; *Nutrien AG Solutions, Inc.*; *Helena Agri-Enterprises, LLC*; and *Doe Co-Conspirator Distributors and Retailers I-200*, Case No. 1:22-cv-02229-JMS-MPB.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically on November 28, 2022 and will be served upon all counsel of record through the Court's Electronic Case Filing system.

/s/ Scott D. Gilchrist
Scott D. Gilchrist (#16720-53)
COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204